REMARKS

Applicants reply to the Office Action mailed on February 27, 2007 within the shortened statutory three month period for reply. Claims 1-47 were pending in the application and the Examiner rejects claims 1-47. New claims 48 and 49 have been added, so Claims 1-49 are now pending in the application. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. Applicants assert that the application is in condition for allowance and reconsideration of the pending claims is requested.

The Examiner objects to claims 1, 14, 26 and 37 due to antecedent basis issues. Applicants amend claims 1 and 14 to clarify the antecedent basis. However, Applicants traverse the objections of claims 26 and 37 because Applicants assert that these claims include a first mention of "a second encrypted decryption limitation."

The Examiner rejects claims 1-47 under 35 U.S.C. 103(a) as being obvious over Ishibashi, U.S. Patent No. 6,7280379 ("Ishibashi"). Applicants respectfully traverse this rejection.

Claim 1 recites, in part, that "the encryption device (101) includes a first contents key generation section for generating the contents key (CK) based on a second decryption limitation (S4) ... and the decryption device (102) includes a second contents key generation section (118) for generating the contents key (CK) from the second decryption limitation (S4)" (reference numerals added). The Examiner argues that Ishibashi's item 14 and item 131 as shown in Figure 8, respectively, correspond to the "first contents key generation section" and "second contents key generation section" as similarly recited by independent claims 1, 14, 26 and 37. In particular, the Examiner asserts that item 14 generates Kcd, and item 131 generates Kcd by decrypting the encrypted Kcd. Moreover, the Examiner asserts that Kcd is generated based on a copy control code (decryption limitation) (see page 2 of Office Action).

Applicants assert that neither item 14 nor item 131 of Ishibashi generates a contents key Kcd **based on** a copy control code. In particular, Ishibashi simply discloses that a copy control code is added to the content key Kcd (e.g., col. 6, lines 10-12 of Ishibashi). For example, Ishibashi discloses that item 137 detects a copy control code added to the content key Kcd and changes the copy control code according to a change of copy generation. Thereafter, such changed copy control code can be added to the decrypted content data via item 138, and can be added to the decrypted content key Kcd (e.g., col. 10, line 55 - col. 11, line 16 of Ishibashi). That

is, Ishibashi simply discloses that the copy control code is added to the previously generated content key Kcd, and that the copy control code and the previously generated content key Kcd are encrypted together by an encryption key (e.g., col. 11, lines 5-9 of Ishibashi). In addition, Ishibashi also clearly states that the copy control code and the previously generated content key Kcd can be encrypted separately and transmitted separately without departing from the invention (e.g., col. 13, lines 53-54).

Therefore, Applicants assert that Ishibashi fails to teach or suggest that the content key Kcd, which is used to perform cryptographic communication, is **generated** based on a copy control code. In particular, Ishibashi only discloses that the content key Kcd is generated by item 14 which has not been disclosed to be generated based on copy control code (e.g., col. 8, lines 44-45).

Moreover, item 131 of Ishibashi has not been found to disclose that the content key Kcd is generated based on a copy control code. In particular, Ishibashi clearly discloses that item 131 decrypts an encrypted content key Kcd by (i.e. based on) the distribution decryption key Kdd so as to output the decrypted content key Kcd to item 136, item 137 and item 133 (see col. 10, lines 42-52 of Ishibashi). As admitted by the Examiner, item 131 produces Kcd by decrypting the encrypted Kcd (see page 2 of Office Action). However, Applicants assert that such decryption of encrypted Kcd is performed only based on Kdd. Therefore, item 131 does not generate Kcd based on a copy control code. Specifically, regardless of the copy control code, item 131 will decrypt the encrypted content key Kcd based on Kdd so as to output the decrypted content key Kcd. Accordingly, Ishibashi clearly fails to disclose or suggest at least "a second contents key generation section" as similarly recited by independent claims 1, 14, 26 and 37.

In addition, the Examiner appears to admit that Ishibashi fails to specifically disclose, "a first contents key generation section for generating the contents key based on a second decryption limitation obtained by updating a first decryption limitation". However, the Examiner asserts that one skilled in the art would be motivated to modify item 10 in view of item 100 in order to control the copying of the content. However, Applicants assert that the content distribution system as shown in Figure 8 already achieves the objective of controlling the copying of a content data transmitted to a destination apparatus by a simple operation (e.g., col. 2, lines 5-9). Specifically, the user-side information processor 100 has a copy controller 137 for detecting and changing a copy control code (see col. 10, lines 55-59). Therefore, the copy controller 137 imposes a restriction on the user-side information processor 100 by restricting the

copying of content data it transmits. However, Ishibashi has not provided the motivation to impose such restriction on the server-side content provider 10. In particular, the server-side content provider 10 holds content data such as image, music, program, etc, and supplies the content data to a user at the user-side information processor 100 (e.g., col. 3, lines 43-55). Therefore, it is undesirable for the server-side content provider 10 to be restricted in regards to the copying of the content data. Accordingly, one skilled in the art would not have modified the server-side content provider 10 to perform the same copy control process carried out by the user-side information processor 100 as alleged by the Examiner. Therefore, Ishibashi fails to teach or suggest at least "a first contents key generation section for generating the contents key based on a second decryption limitation obtained by updating a first decryption limitation," as similarly recited by independent claims 1, 14, 26 and 37.

Dependent claims 2-13, 15-25, 27-36 and 38-47 variously depend from independent claims 1, 14, 26 and 37, so Applicants assert that dependent claims 2-13, 15-25, 27-36 and 38-47 are differentiated from the cited reference for the same reasons as set forth above, in addition to their own respective features.

Moreover, claim 1 further recites, in part, "the encryption device (101) further includes a third encryption section (113) for encrypting the first decryption limitation (S1) using a time-varying key (VK) and outputting the second encrypted decryption limitation (S2) to the decryption device (102), and the decryption device (102) further includes a third decryption section (114) for decrypting the second encrypted decryption limitation (S2) transferred from the third encryption section (113) using the time-varying key (VK) and outputting the first decryption limitation (S1)" (reference numerals added). We note that the Examiner fails to specifically state the corresponding components disclosed by Ishibashi for such features of claim 1. In particular, Applicants respectfully assert that the Examiner simply generally states that the copy control code is buried in the content data and all the communication between devices is encrypted by a session key.

However, Applicants assert that such general explanation provided by the Examiner has not been found to teach or suggest such features of claim 1. For example, claim 1 specifically requires an encryption device (101) which includes an encryption section (113) for encrypting a first decryption limitation (S1) and outputting such encrypted first decryption limitation. Applicants assert that the second decryption limitation (S4) is updated from the first decryption limitation (S1). However, the Examiner has not provided specific support and Ishibashi has not

been found to disclose that either item 10 or item 100 includes an encryption section for encrypting a first decryption limitation and outputting such encrypted first decryption limitation. In addition, neither item 10 nor item 200 has been found to specifically disclose that a decryption section for decrypting such encrypted first decryption limitation transferred from the encryption section.

Applicants add new dependent claims 48 and 49. Support for such new claims can be found on at least page 26, lines 5-8. Moreover, the Examiner alleges that Ishibashi's item 14 and item 131 as shown in Figure 8 respectively correspond to the "first contents key generation section 117" and "second contents key generation section 118" of claim 1. However, Applicants note that both items 14 and 131 function different than the contents key generation sections 117 and 118 as disclosed in the present invention. In particular, according to the present invention, the contents key generation sections 117 and 118 each generate a contents key using an algorithm such as a one-way function which uses the decryption limitation S4 as an input (e.g., Figure 1 and page 26. lines 5-8). In contrast, Ishibashi does not specifically disclose how item 14 generates Kcd, and item 131 is simply a decryption section.

Moreover, dependent claims 48 and 49 variously depend from independent claim 1, so Applicants assert that claims 48 and 49 are further distinguishable from Ishibashi for the same reasons as set forth above, in addition to their own respective features.

Applicants respectfully submit that the pending claims are in condition for allowance. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned, if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

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Howard I. Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com